

REMARKS

In response to the office action dated October 30, 2007, Applicants amended claims 1 and 62, and added claim 63. Claims 16, 32, 34, 37, and 39-61 have been canceled. Claims 6, 10, and 21-25 have been withdrawn. Thus, claims 1-5, 7-9, 11-15, 17-20, 26-31, 33, 35, 36, 38, 62, and 63 are presented for examination. Favorable reconsideration and further examination are respectfully requested.

35 U.S.C. § 112

Claim 1 was rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Office Action (page 3) suggests that there is no support or a teaching in the specification that "the non-continuous coating is without substantially effect on hand tactile and breathability of the knit construction of the fabric body." Contrary to this contention, Applicants submit that the above limitation is supported in the specification, e.g., at page 4, lines 6-16, which states, in pertinent part:

"The non-continuous coating is applied such that the coating is without substantial effect on the insulation performance provided by the knit construction of the fabric body and/or the moisture vapor transmission rate provided by the knit construction of the fabric body.

The invention provides a composite fabric article ... without detracting significantly from qualities of the original form of the fabric ..., e.g., ... breathability, ... [and] hand tactile."

Accordingly, Applicants request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 112, first paragraph.

35 U.S.C. § 103

Claims 1-5, 7-9, 11-15, 33, 35, 36, 38, and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 01/12889 (Gunzel) in view of U.S. Patent No. 5,626,949 (Blauer). Claims 1 and 62 cover fabric articles comprising multi-filament, interlaced yarns forming a fabric body of knit construction, the fabric body having a non-continuous coating applied by a single head rotary screen having from about 30 to about 195 holes per lineal inch, wherein the

non-continuous coating is without substantial effect on hand tactile and breathability of the knit construction of the fabric body. Gunzel and Blauer, taken alone or in any proper combination, fail to disclose or suggest each and every limitation of Applicants' claims 1 and 62.

Gunzel describes a woven or knit fabric having a discontinuous coating of polymeric material applied to a surface of the fabric. (See, e.g., Gunzel at page 2, lines 22-31). Gunzel does not disclose or suggest a non-continuous coating "applied by a single head rotary screen having from about 30 to about 195 holes per lineal inch." Rather, Gunzel describes a very light application of polymer (e.g., between about 5 and 40 g/m²) applied to a fabric surface by applying non-woven light weight web or by melt blowing or spraying a polymeric material directly onto the fabric to form a web. (See, e.g., id. at page 2, lines 33-36).

Furthermore, Gunzel also fails to describe or suggest fabric articles that include non-continuous coatings, "wherein the non-continuous coating is without substantial effect on hand tactile and breathability of the knit construction of the fabric body." Instead, Gunzel appears only to show a polymeric material that forms concentrated regions of coating at the surface of the fabric. (See, e.g., id. at FIGS. 1-7). As explained in the in the declaration of inventor Rock, which was submitted with the previous reply, the concentrated regions of coating will effect both breathability and hand tactile at the fabric surface. Even assuming, without conceding, that Gunzel describes coating add on levels that overlap the claimed ranges, there is no suggestion that the processes that Gunzel describes would provide a fabric article including a non-continuous coating, "wherein the non-continuous coating is without substantial effect on hand tactile and breathability of the knit construction of the fabric body."

Blauer describes woven, synthetic polymer fabric including a printed stratum (coating) applied directly to an inner face of the fabric. (See, e.g., Blauer at col. 2, lines 57-58; see also col. 3, lines 42-45). According to Blauer, the "[p]referred coating weight add-on is in the range of 0.3 to 0.5 ounces per square yard." (See, e.g., id. at col. 3, lines 52-53). The Examiner apparently references Blauer for allegedly teaching that "the method of applying the coating is with a rotary screen with a pattern." (See, e.g., Office Action of October 30, 2007 at page 5). However, Blauer still fails to describe or suggest a non-continuous coating "applied by a single head rotary screen having from about 30 to about 195 holes per lineal inch." Nor does Blauer indicate that such an arrangement would be in any way beneficial. Nor would a person of

ordinary skill in the art have modified Blauer's rotary screen printing head in a way to provide such an arrangement since such a modification may not provide the type of patterned stratum that Blauer describes (e.g., a patterned printed stratum characterized by solid portions that cover between 10 and 90% of the fabric).

In this regard, Blauer also fails to describe or suggest fabric articles that include non-continuous coatings, "wherein the non-continuous coating is without substantial effect on hand tactile and breathability of the knit construction of the fabric body." There is no teaching or suggestion that processes for applying the printed stratum that Blauer describes would provide a fabric article including a non-continuous coating, "wherein the non-continuous coating is without substantial effect on hand tactile and breathability of the knit construction of the fabric body." Rather, Blauer appears only to show a stratum characterized by solid portions at a surface of the fabric, which, like the coating of Gunzel, provides a physical barrier at the coated surface, and, as such, will effect both breathability and hand tactile at the fabric surface. (See, e.g., Blauer at FIGS. 2-8).

Contrary to this, as pointed out in the previously submitted declaration of inventor Rock, with the claimed configuration the coating material is applied to the fabric in very fine, discrete coating segments (i.e., dispensed through a rotary screen having between 30 to about 195 holes per lineal inch), which allows the coating material to flow in between the fibers of the fabric to bond fiber to fiber thereby reducing fiber fraying without generating a 3-dimensional physical barrier at the fabric surface, thereby avoiding substantial effect on the hand tactile of the fabric. In response to remarks and arguments previously submitted, Examiner contends that "Applicant is arguing limitations that are not commensurate with the scope of the claims." (See, e.g., Office Action of October 30, 2007 at page 9). Specifically, Examiner states that "[t]he claims do not recite that the coating flows between the fibers and while the Exhibits C and D show that the coated fabric and the uncoated fabric are virtually the same to touch and the visual eye, the patentability of the product is dependent on the claim limitations as recited." (See, e.g., id.) In this regard, Applicants were merely describing inherent characteristics of a composite fabric article formed in accordance with the claims (i.e., having a non-continuous coating comprising discrete coating segments of between about 0.5 ounces per square yard to about 6.0 ounces per square yard of coating material selected from a group consisting of acrylic latex, polyurethane

and silicone applied by a single head rotary screen having from about 30 to about 195 holes per lineal inch). The Exhibits C and D were submitted as evidence of these characteristics. The previously submitted arguments and Exhibits were submitted to demonstrate differences between the claimed composite fabric articles and those shown and described in the references of record.

In view of the foregoing discussion, Applicants request reconsideration and withdrawal of the rejection of claims 1-5, 7-9, 11-15, 33, 35, 36, 38, and 62 as being unpatentable over Gunzel in view of Blauer.

Claims 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gunzel in view of Blauer and U.S. Publication 2001/0046580 (Rock). Claims 17-20 depend from claim 1, and thus are patentable for at least the reasons discussed above. Rock, relied on for its teaching of a fabric article with circular reverse plaited knit construction including stitch yarn that is finer than loop yarn, does not remedy the deficiencies of Gunzel and Blauer, as discussed above.

Therefore, Applicants respectfully request that the rejections of claims 17-20 as unpatentable over Gunzel in view of Blauer and Rock be withdrawn.

Claims 26-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gunzel in view of Blauer and Rock in further view U.S. Patent No. 5,198,288 (Grunfeld). Claims 26-29 depend from claim 1, and thus are patentable for at least the reasons discussed above. Grunfeld, relied on for its alleged teaching of a knit fabric with an elastic combination yarn at the outer surface, does not remedy the deficiencies of Gunzel, Blauer and Rock, as discussed above.

Therefore, Applicants respectfully request that the rejections of claims 26-29 as unpatentable over Gunzel in view of Blauer and Rock in further view of Grunfeld be withdrawn.

Claims 30 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gunzel in view of Blauer and Rock in further view U.S. Patent No. 5,171,633 (Muramoto). Claims 30 and 31 depend from claim 1, and thus are patentable for at least the reasons discussed above. Muramoto, relied on for its alleged teaching of an elastic filament yarn for use in fabric garments, does not remedy the deficiencies of Gunzel, Blauer and Rock, as discussed above.

Therefore, Applicants respectfully request that the rejections of claims 30 and 31 as unpatentable over Gunzel in view of Blauer and Rock in further view of Muramoto be withdrawn.

Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gunzel in view of Blauer in further view U.S. Patent No. 6,238,789 (Jackson). Jackson describes a wallcovering that includes a porous polymeric ply that is fused to a nonwoven substrate ply. (See, e.g., Jackson at col. 3, lines 31-32). According to Jackson, “[t]he wallcovering is generally formed by applying a thin plastisol coating to the surface of the nonwoven substrate, and then heating the plastisol coating to a temperature which is sufficiently high to melt or fuse thermoplastic resins contained in the plastisol. (See, e.g., id. at col. 3, lines 51-56). “A particularly preferred method of applying the plastisol composition to the nonwoven substrate ply is by a rotary screen method.” (See, e.g., id. at col. 5, lines 56-58). However, Jackson still fails to describe or suggest a non-continuous coating “applied by a single head rotary screen having from about 30 to about 195 holes per lineal inch.” Nor does Jackson indicate that such an arrangement would be in any way beneficial. Nor would a person of ordinary skill in the art have modified Jackson’s rotary screen printing method in a way to provide such an arrangement since such a modification may not provide the “smooth, continuous film” type coating that Jackson describes.

The Examiner apparently references Jackson for teaching that “the plastisol coating is preferably applied … at a coating weight of from about 1.5 ounces per square yard … to about 5.0 ounces per square yard.” (See, e.g., Office Action of October 30, 2007 at page 8, referencing Jackson at col. 5, lines 30-55). However, Jackson also fails to describe or suggest fabric articles that include non-continuous coatings, “wherein the non-continuous coating is without substantial effect on hand tactile and breathability of the knit construction of the fabric body.” Furthermore, there is no teaching or suggestion that techniques for applying the plastisol coating that Jackson describes would provide a fabric article including a non-continuous coating, “wherein the non-continuous coating is without substantial effect on hand tactile and breathability of the knit construction of the fabric body.” Rather, according to Jackson, “the plastisol coated nonwoven web is … passed through a heating oven to heat the plastisol coating to a temperature in excess

of the fusion or melting temperature of the thermoplastic resins contained in the plastisol, thereby causing fusion and solidification of the plastisol composition into a porous, solid polymeric ply which is fused to the nonwoven substrate." (See, e.g., Jackson at 6:9-15).

In view of the foregoing discussion, Applicants request reconsideration and withdrawal of the rejection of claim 38 as being unpatentable over Gunzel in view of Blauer in further view of Jackson.

Each of the dependent claims is believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim, in light of the foregoing amendments, and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Moshe Rock et al.
Serial No. : 10/700,405
Filed : November 4, 2003
Page : 14 of 14

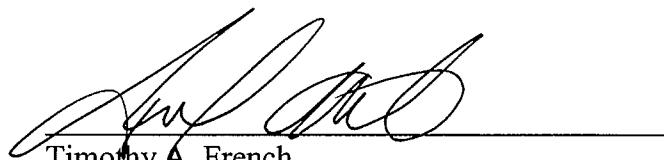
Attorney's Docket No.: 22436-067001

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please charge any additional fees, not already covered by check, or credit any overpayment, to deposit account 06-1050, referencing Attorney Docket No. 22436-067001.

Respectfully submitted,

Date: April 29, 2008



Timothy A. French
Reg. No. 30,175

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906